

Administration of Barack Obama, 2012

Message to Congress on Taking Additional Steps To Address the National Emergency With Respect to Somalia

July 20, 2012

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 (E.O. 13536).

In E.O. 13536, I found that that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council in Resolution 733 of January 23, 1992, and elaborated upon and amended by subsequent resolutions, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat, E.O. 13536 blocks the property and interests in property of persons listed in the Annex to E.O. 13536 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13536.

In view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The order prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia. It also amends the designation criteria specified in E.O. 13536. As amended by the order, E.O. 13536 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to:

- have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to:
 - acts that threaten the Djibouti Agreement of August 18, 2008, or the political process;
 - acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or
 - acts to misappropriate Somali public assets;
- have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

- have directly or indirectly supplied, sold or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities;
- be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;
- be a political or military leader recruiting or using children in armed conflict in Somalia;
- have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;
- have materially assisted, sponsored, or provided financial, material, logistical or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to E.O. 13536; or
- be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. In view of United Nations Security Council Resolution 2002 of July 29, 2011, persons who engage in non-local commerce via al-Shabaab-controlled ports that constitutes support for a person whose property and interests in property are blocked pursuant to E.O. 13536 may be subject to designation pursuant to E.O. 13536, as amended by the order.

The order was effective at 2:00 p.m. eastern daylight time on July 20, 2012. I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA

The White House,
July 20, 2012.

NOTE: The message referred to Executive order 13620.

Categories: Communications to Congress : Somalia, additional steps to address national emergency.

Subjects: Somalia : Economic sanctions; Somalia : Piracy incidents, increase; Somalia : Political unrest and violence; Somalia : U.S. national emergency, continuation; United Nations : Security Council.

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